

09/437,560

MS28076.02

REMARKS

Claims 14-22 and 26-48 are currently pending in the subject application and are presently under consideration. A version of all pending claims is found at pages 2-13. Favorable consideration of the subject patent application is respectfully requested in view of the comments herein.

I. Rejection of Claims 14-22 and 26-48 Under 35 U.S.C. §102(e)

Claims 14-22 and 26-48 stand rejected under 35 U.S.C. §102(e) as being anticipated by Peterson *et al.* (US 5,801,687). This rejection should be withdrawn for at least the following reason. Peterson *et al.* fails to teach or suggest each and every limitation set forth in the subject claims.

A single prior art reference anticipates a patent claim only if it expressly or inherently describes *each and every limitation set forth in the patent claim*. *Trintec Industries, Inc. v. Top-U.S.A. Corp.*, 295 F.3d 1292, 63 USPQ2d 1597 (Fed. Cir. 2002); *See Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the ... claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989) (emphasis added).

Independent claims 14, 22, 26, 29, 32, 33, 37, 38, 43 and 48 recite a similar claim limitation regarding *a compiler for compiling the specification which results in a user interface output controller distinct from the application program, the user interface output controller including a plurality of plans, each of the plans having a series of operators*. It is apparent that the invention as claimed specifically comprises a compiling facility that compiles a predefined specification, which in turn results in a distinct and separate user interface output controller, the resultant compiled user interface output controller being distinct from the application program itself. The rationale for providing a compiler to compile the specification and providing a distinct compiled user interface output controller separate from the invoking application is to relieve the application program from the details of invoking the low-level commands necessary to direct the actions of a user interface output sequence. Peterson *et al.* fails to teach or suggest this

09/437,560

MS28076.02

novel feature.

Peterson *et al.* discloses an authoring tool that comprises at least one nestable graphic state and a state machine, wherein each state machine comprises one or more states and zero or more transitions, each transition interconnecting a first state with a second state. The Examiner contends that Peterson *et al.* discloses providing a compiler for compiling the specification which results in a user interface output controller distinct from the application program at, column 6, lines 1-5, wherein it states:

... an authoring tool can allow an author to select an arbitrary state machine from within a multimedia product and, in response to such selection, can provide a representative map of the various states within the selected state machine. col. 6, lines 1-5.

Applicants' representative avers to the contrary. It is submitted that, rather than providing a compiler to compile a specification that results in a compiled user interface controller distinct from the application, the cited passage simply teaches a selection means that allows an author to select arbitrary state machines from within a multimedia product, the authoring tool in response to the selection providing a representative map of the various states within the selected state machine. Thus, it is apparent that Peterson *et al.* fails to teach or suggest a compiler to compile a specification to provide a compiled user interface controller distinct from the application.

The Examiner further asserts in the instant Final Office Action dated April 6, 2004, that:

As seen in Figure 3 [of Peterson *et al.*], there is a distinction shown between this software title application and the "TOOL" component which serves as the compiler that is responsible for compiling the necessary data for displaying the output . . . *Id.* at page 16.

While applicants' representative agrees that a distinction is shown in Figure 3 between a software title and the "TOOL," applicants' representative nevertheless asserts that nowhere in Peterson *et al.* is it specifically or implicitly disclosed that the "TOOL" *comprises a compiler component to provide a compiled user interface controller* as in

09/437,560

MS28076.02

applicants' claimed invention. Consequently since Peterson *et al.* fails to teach or suggest each and every limitation set forth in the subject claims, Peterson *et al.* cannot be deemed to anticipate the invention as claimed. Accordingly, the rejection of independent claims 14, 22, 26, 29, 32, 33, 37, 38, 43 and 48, and those claims that depend therefrom, should be withdrawn.

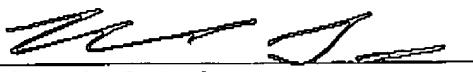
CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063.

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,
AMIN & TUROCY, LLP


Himanshu S. Amin
Reg. No. 40,894

AMIN & TUROCY, LLP
24TH Floor, National City Center
1900 E. 9TH Street
Cleveland, Ohio 44114
Telephone (216) 696-8730
Facsimile (216) 696-8731